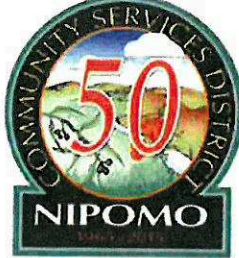


# NIPOMO COMMUNITY

## BOARD MEMBERS

CRAIG ARMSTRONG, PRESIDENT  
DAN GADDIS, VICE PRESIDENT  
BOB BLAIR, DIRECTOR  
ED EBY, DIRECTOR  
DAN WOODSON, DIRECTOR

Attachment 5



# SERVICES DISTRICT

## STAFF

MICHAEL S. LEBRUN, GENERAL MANAGER  
LISA BOGNUDA, FINANCE DIRECTOR  
PETER SEVCIK, P.E., DIRECTOR OF ENG. & OPS.  
MICHAEL W. SEITZ, GENERAL COUNSEL

*Celebrating 50 Years of Service to the Community, 1965 - 2015*

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148 SOUTH WILSON STREET POST OFFICE BOX 326 NIPOMO, CA 93444 - 0326  
(805) 929-1133 FAX (805) 929-1932 Website address: [ncsd.ca.gov](http://ncsd.ca.gov)

---

July 15, 2015

Mr. Rob Miller  
General Manager  
Woodlands MWC  
612 Clarion Court  
San Luis Obispo CA, 93401

Dear Mr. Miller:

### **SUBJECT: SUPPLEMENTAL WATER FOR WOODLANDS MUTUAL WATER COMPANY**

The purpose of this letter is to confirm deliveries of Nipomo Supplemental Water were initiated on July 2, 2015 and to outline the anticipated volume and timing of supplemental water allocated for the Woodlands Mutual Water Company (WMWCo).

The attached table shows the minimum deliveries anticipated in accordance with the District's Wholesale Water Agreement with the City of Santa Maria. The water volume allocated to WMWCo will either be delivered to its water distribution system following improvements to our existing WMWCo intertie, or extractions from NCSD wells in the vicinity of WMWCo will be reduced by the same amount. Such reductions will be clearly documented by NCSD.

Please let me know if you have any questions, or if you need more information.

Sincerely,

NIPOMO COMMUNITY SERVICES DISTRICT

A handwritten signature in blue ink that reads 'Michael S. LeBrun'.

Michael S. LeBrun  
General Manager

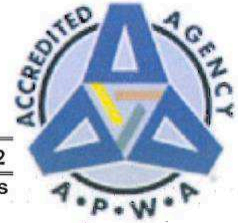
Enclosure(s): NSWP Delivery Schedule

c:

Woodlands Mutual Water Company - Minimum Supplemental Water Deliveries			
DELIVERY YEAR	DATE	MINIMUM DELIVERY VOLUME (AFY)	WOODLANDS MUTUAL WATER COMPANY'S PROPORTIONAL SHARE 16.66% (AFY)
1	July 1, 2015 to June 30, 2016	645	107
2	July 1, 2016 to June 30, 2017	800	133
3	July 1, 2017 to June 30, 2018	800	133
4	July 1, 2018 to June 30, 2019	800	133
5	July 1, 2019 to June 30, 2020	800	133
6	July 1, 2020 to June 30, 2021	1,000	167
7	July 1, 2021 to June 30, 2022	1,000	167
8	July 1, 2022 to June 30, 2023	1,000	167
9	July 1, 2023 to June 30, 2024	1,000	167
10	July 1, 2024 to June 30, 2025	1,000	167
11	July 1, 2025 to June 30, 2026	2,500	417
TERM	June 30, 2085	2,500	417



**SAN LUIS OBISPO COUNTY  
DEPARTMENT OF PUBLIC WORKS**  
Wade Horton, Director



County Government Center, Room 206 • San Luis Obispo CA 93408 • (805) 781-5252  
Fax (805) 781-1229 email address: [pwd@co.slo.ca.us](mailto:pwd@co.slo.ca.us)

**MEMORANDUM**

Date: August 31, 2015

To: James Caruso, Project Planner

From: Glenn Marshall, Development Services

Subject: **Public Works Comments on DRC2014-00130, Monarch Dunes, Tract 2341 CUP, Trilogy Parkway, Nipomo Mesa, APN 091-500-019**

Thank you for the opportunity to provide information on the proposed subject project. It has been reviewed by several divisions of Public Works, and this represents our consolidated response.

**Public Works Comments:**

- A. In addition to the Recommended Project Conditions of Approval section of this Memorandum, the following existing conditions related to Public Works remain applicable:
  - a. Exhibit B, Conditions of Approval Tract 2341. **Check.**
  - b. Exhibit B, Conditions of Approval Development Plan S990194D. **Check**
  - c. Exhibit B, Conditions of Approval Development Plan S990187U. **Check**
  - d. Exhibit B, Conditions of Approval Development Plan S990195D. **Check**
- B. Additional mitigation conditions of approval may be recommended based on information submitted to address our information hold.
- C. The proposed project is subject to the latest adopted Woodlands Road Fee Agreement. Payment of Road Improvement Fees for residences shall be by the latest Board approved agreement. **Check, see condition number 29, 31 and 32.**

**Recommended Project Conditions of Approval:**

1. **At the time of application for construction permits**, the applicant shall enter into an agreement and post a deposit with the county for the cost of checking the improvement plans and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works. **See condition number 67.**
2. **Prior to occupancy or final inspection**, a Registered Civil Engineer must certify to the Department of Public Works that the road widening improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure. **See condition number 68.**
3. **At the time of application for construction permits**, the applicant shall provide evidence to the Department of Planning and Building that the model home pavement structural sections have been designed and shall be constructed in conformance with Cal Fire standards and specifications back to the nearest public maintained roadway. **See condition number 33.**
4. **Prior to occupancy or final inspection**, all public improvements have been constructed or reconstructed in accordance with County Public Improvement Standards and to the satisfaction of the County Public Works Inspector. **See condition number 69.**
5. **At the time of application for construction permits**, the applicant shall secure preapproval by the Department of Public Works for landscaping proposed in the public road right-of-way. **See condition number 10.**
6. **On-going condition of approval (valid for the life of the project)**, and in accordance with County Code Section 13.08, no activities associated with this permit shall be allowed to occur within the public right-of-way including, but not limited to, project signage; tree planting; fences; etc without a valid Encroachment Permit issued by the Department of Public Works. **See condition number 89.**
7. **On-going condition of approval (valid for the life of the project)**, the property owner fronting a county maintained road shall be responsible for operation and maintenance of public road frontage sidewalks, street lights, and landscaping in a viable condition and on a continuing basis into perpetuity or until specifically accepted for maintenance by a property owner's association or a public agency. **See condition number 90.**
8. **On-going condition of approval (valid until recordation of the final Unit of Tract 2341)**, to comply with Tract 2341 Exhibit B Condition of Approval No. 2.f.4 and the "Monarch Dunes Phase 2A, Nipomo – Proportionate Share Calculation for Intersection Improvements at Tefft Street and Mesa Road", prepared by Stantec Consulting Services, Inc., dated August 28, 2015 (File # 2064021400), each July 1 Monarch Dunes LLC shall submit to Public Works an engineer's signalization warrant analysis for the intersection of Mesa Road at Tefft Street. If signalization warrants are met Public Works may require the applicant to secure an encroachment permit and construct the signalization improvements in accordance with County Public Improvement Standards. **See condition number 27.**

Fees

9. **Prior to recordation of any Unit within Phase 2A**, Monarch Dunes LLC shall pay the project's proportionate share of the Willow Road at Pomeroy Road street light construction project calculated to be \$37,594 per the "Monarch Dunes Phase 2A and Phase 2B, Nipomo – Proportionate Share Calculation for Traffic Signal Installation", prepared by Stantec Consulting Services, Inc., dated June 16, 2015 (File # 2064021400). **See condition number 26.**
10. **On-going condition of approval (valid for the life of the project)**, the applicant shall be responsible for paying to the Department of Public Works the Fees in accordance with the most recent Board of Supervisors approved Woodlands Road Fee Agreement. **See condition number 31.**

Drainage

11. **At the time of application for construction permits**, the applicant shall submit complete drainage plans for review and approval in accordance with Section 22.52.110 (Drainage) of the Land Use Ordinance. All drainage must be retained on-site and the design of the basin shall be approved by the Department of Public Works. **See condition number 49.**
12. **At the time of application for construction permits**, the applicant shall submit complete erosion and sedimentation control plan for review and approval in accordance with 22.52.120. **See condition number 50.**
13. **On-going condition of approval (valid for the life of the project)**, the project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and / or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance, Title 8, Section 8.68 et sec. **See condition number 54.**



## Attachment 5



Air Pollution Control District  
San Luis Obispo County

May 13, 2015

James Caruso  
SLO County Department of Planning & Building  
South County Team/Development Review  
County Government Center  
San Luis Obispo CA 93401

SUBJECT: APCD Comments Regarding DRC2014-00130, Monarch Dunes, 242 single family residences, Proposed Conditional Use Permit, APN 091-500-019

Dear Mr. Caruso,

Thank you for including the San Luis Obispo County Air Pollution Control District (APCD) in the environmental review process. We have completed our review of a Proposed Conditional Use Permit for development of Trilogy at Monarch Dunes Phase IIA, 242 single family residences with roads and open space. The site location is 1640 Trilogy Parkway, Nipomo. The Environmental Impact Report for the project was prepared in 1998 and certified in 2002.

*The following are APCD comments that are pertinent to this project.*

As a commenting agency in the California Environmental Quality Act (CEQA) review process for a project, the APCD assesses air pollution impacts from both the construction and operational phases of a project, with separate significant thresholds for each. **Please address the action items contained in this letter, with special attention to items that are highlighted by bold and underlined text.**

**CEQA documentation requirements**

CEQA Section 15162(a)3 indicates when an EIR has been certified for a project, a subsequent EIR shall be prepared for that project if the lead agency determines the project will have one or more significant effects not discussed in the previous EIR or negative declaration (on the basis of substantial evidence in the light of the whole record, new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete).

The APCD has determined the project will have one or more significant effects not discussed in the previous EIR as stated below:

- The APCD adopted the board approved CEQA Air Quality Handbook in April 2012, which includes updated emissions thresholds for ozone precursors (ROG + NO<sub>x</sub>), greenhouse gases (GHG), health risk assessment thresholds and updated mitigation measures that were not in place when the EIR was prepared (1998 EIR, approved 2002).
- The air quality impacts of the dust plume from the Oceano Dunes State Vehicular Recreation Area (SVRA) (as described in the following section), has been extensively studied since the EIR was prepared. Impacts were not addressed in the previous EIR.
- GHG issues were not addressed in previous EIR, and, as indicated above, the APCD adopted GHG thresholds in April 2012.

**Therefore, the APCD recommends that the project proponent prepare a Subsequent EIR that addresses the issues presented in this letter.**

### **Project area impacted by blowing dust**

This project is located in an area that is impacted by periods of blowing dust. The APCD has been investigating elevated particulate levels on the Nipomo Mesa for the past decade. APCD studies in the area have shown the source of the elevated particulate matter (PM) pollution to be windblown dust from the open sand areas of the Oceano Dunes State Vehicular Recreation Area (SVRA), and that emissions are increased by off road vehicle activity.

The data gathered from the studies provided a detailed and comprehensive picture of the path, concentration gradient and influence of different wind conditions on the dust plume. Most dust episodes showed a remarkable similarity in plume extent and concentration gradient, with the main variable being the severity of the event. The APCD defined four zones of dust plume influence as labeled below, CDF, MESA2, NRP and SLO:





The darker colors signify the typical location of the dust plume and the greater impacts. This proposed project is in the MESA2 zone, which receives roughly 30-60 exceedances of the state PM10 standard each year. CDF has roughly 60-95 exceedances annually and the NRP zone has roughly 0-20 exceedances annually.

In November 2011, the APCD Board adopted Rule 1001 to mitigate the blowing dust impacts on the Mesa. Individuals can receive daily air quality forecasted conditions via email by registering on EPA's EnviroFlash website (<http://www.enviroflash.info>) and entering ZIP code 93444.

Since this project is located in the MESA2 zone, an area that is impacted by periods of high particulate matter concentration, the **APCD recommends the following measures be addressed in the Subsequent EIR as they pertain to air quality conditions from construction activity:**

- In support of APCD standard fugitive dust mitigation measures, the applicant shall designate a Visible Emission Evaluation certified person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize nuisance violations from dust complaints (Rule 402) and to reduce visible emissions below the APCD's limit of 20% opacity (Rule 401) for greater than 3 minutes in any 60 minute period. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition.
- In addition, when drought conditions are present, fugitive dust control measures need to be modified by the applicant to conserve water resources while still providing the necessary emission reductions. Refer to Section 4.3 of the APCD CEQA Handbook for guidance on APCD-Approved Dust Suppressants. Section 4.3 of the CEQA Air Quality Handbook can be accessed at the following website:  
<http://slocleanair.org/business/landuseceqa.php>.
- The APCD recommends planting native species to replace any plants or trees slated for removal. The APCD recommends planting native local species that have been shown to mitigate particulate emissions, such as some types of conifer trees. The APCD recommends removing the vegetation only after the new vegetation has reached maturity and has mass similar to the removed vegetation.
- The APCD recommends construction activities that will generate dust should be limited to periods when good air quality is forecasted. The 6 day forecast for the CDF forecast zone is available from the APCD website, [slocleanair.org](http://slocleanair.org). This information should be used by all on-site workers to plan construction activities for days when the air quality is forecasted to be good.

#### **CONSTRUCTION PHASE IMPACTS - Exceeds Threshold**

The APCD evaluated the construction impacts of this project using the CalEEMod computer model which indicate that the construction phase impacts will likely be greater than the APCD's significance threshold values identified in Table 2-1 of the CEQA Air Quality. **Prior to grading permit issuance, and at least six months before construction activities are to begin, the applicant needs to demonstrate how the construction phase impacts will be below the level of significance as identified in the APCD's CEQA Handbook. The APCD recommends on-site mitigation from construction activities to the greatest extent possible. Potential APCD construction phase mitigation measures are listed in Chapter 2 of the APCD CEQA Handbook.**



Dust Control Measures

Construction activities can generate fugitive dust, which could be a nuisance to local residents and businesses in close proximity to the proposed construction site. **Projects with grading areas that are within 1,000 feet of any sensitive receptor shall implement the following mitigation measures to manage fugitive dust emissions such that they do not exceed the APCD's 20% opacity limit (APCD Rule 401) or prompt nuisance violations (APCD Rule 402)** (in addition to the dust control measures identified on page 3 of this letter).

- a. Reduce the amount of the disturbed area where possible;
- b. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site and from exceeding the APCD's limit of 20% opacity for greater than 3 minutes in any 60 minute period. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (non-potable) water should be used whenever possible. **Please note that since water use is a concern due to drought conditions, the contractor or builder shall consider the use of an APCD-approved dust suppressant where feasible to reduce the amount of water used for dust control.** For a list of suppressants, see Section 4.3 of the CEQA Air Quality Handbook;
- c. All dirt stock pile areas should be sprayed daily and covered with tarps or other dust barriers as needed;
- d. Permanent dust control measures identified in the approved project revegetation and landscape plans should be implemented as soon as possible, following completion of any soil disturbing activities;
- e. Exposed ground areas that are planned to be reworked at dates greater than one month after initial grading should be sown with a fast germinating, non-invasive grass seed and watered until vegetation is established;
- f. All disturbed soil areas not subject to revegetation should be stabilized using approved chemical soil binders, jute netting, or other methods approved in advance by the APCD;
- g. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or soil binders are used;
- h. Vehicle speed for all construction vehicles shall not exceed 15 mph on any unpaved surface at the construction site;
- i. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (minimum vertical distance between top of load and top of trailer) in accordance with CVC Section 23114;
- j. Install wheel washers where vehicles enter and exit unpaved roads onto streets, or wash off trucks and equipment leaving the site;
- k. Sweep streets at the end of each day if visible soil material is carried onto adjacent paved roads. Water sweepers shall be used with reclaimed water used where feasible. Roads shall be pre-wetted prior to sweeping when feasible;
- l. All PM<sub>10</sub> mitigation measures required should be shown on grading and building plans; and,
- m. The contractor or builder shall designate a person or persons to monitor the fugitive dust emissions and enhance the implementation of the measures as necessary to minimize dust complaints and reduce visible emissions below the APCD's limit of 20% opacity for greater than 3 minutes in any 60 minute period. Their duties shall include holidays and weekend periods when work may not be in progress. The name and telephone number of such

persons shall be provided to the APCD Compliance Division prior to the start of any grading, earthwork or demolition.

#### Construction Permit Requirements

Based on the information provided, we are unsure of the types of equipment that may be present during the project's construction phase. Portable equipment, 50 horsepower (hp) or greater, used during construction activities may require California statewide portable equipment registration (issued by the California Air Resources Board) or an APCD permit.

The following list is provided as a guide to equipment and operations that may have permitting requirements, but should not be viewed as exclusive. For a more detailed listing, refer to the Technical Appendices, page 4-4, in the APCD's 2012 CEQA Handbook.

- Power screens, conveyors, diesel engines, and/or crushers;
- Portable generators and equipment with engines that are 50 hp or greater;
- Electrical generation plants or the use of standby generator;
- Internal combustion engines;
- Rock and pavement crushing;
- Unconfined abrasive blasting operations;
- Tub grinders;
- Trommel screens; and,
- Portable plants (e.g. aggregate plant, asphalt batch plant, concrete batch plant, etc).

**To minimize potential delays, prior to the start of the project, please contact the APCD Engineering Division at (805) 781-5912 for specific information regarding permitting requirements.**

#### Construction Phase Idling Limitations

This project is in close proximity to nearby sensitive receptors. Projects that will have diesel powered construction activity in close proximity to any sensitive receptor shall implement the following mitigation measures to ensure that public health benefits are realized by reducing toxic risk from diesel emissions:

**To help reduce sensitive receptor emissions impact of diesel vehicles and equipment used to construct the project, the applicant shall implement the following idling control techniques:**

#### California Diesel Idling Regulations

- a. ***On-road diesel vehicles*** shall comply with Section 2485 of Title 13 of the California Code of Regulations. This regulation limits idling from diesel-fueled commercial motor vehicles with gross vehicular weight ratings of more than 10,000 pounds and licensed for operation on highways. It applies to California and non-California based vehicles. In general, the regulation specifies that drivers of said vehicles:
  1. Shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location, except as noted in Subsection (d) of the regulation; and,
  2. Shall not operate a diesel-fueled auxiliary power system (APS) to power a heater, air conditioner, or any ancillary equipment on that vehicle during sleeping or resting in a sleeper berth for greater than 5.0 minutes at any location when within 1,000 feet of a restricted area, except as noted in Subsection (d) of the regulation.

- b. **Off-road diesel equipment** shall comply with the 5 minute idling restriction identified in Section 2449(d)(2) of the California Air Resources Board's In-Use off-Road Diesel regulation.
- c. Signs must be posted in the designated queuing areas and job sites to remind drivers and operators of the state's 5 minute idling limit.
- d. The specific requirements and exceptions in the regulations can be reviewed at the following web sites: [www.arb.ca.gov/msprog/truck-idling/2485.pdf](http://www.arb.ca.gov/msprog/truck-idling/2485.pdf) and [www.arb.ca.gov/regact/2007/ordiesl07/frooal.pdf](http://www.arb.ca.gov/regact/2007/ordiesl07/frooal.pdf).

#### Truck Routing

Proposed truck routes should be evaluated and selected to ensure routing patterns have the least impact to residential dwellings and other sensitive receptors, such as schools, parks, day care centers, nursing homes, and hospitals. If the project has significant truck trips where hauling/truck trips are routine activity and operate in close proximity to sensitive receptors, toxic risk needs to be evaluated.

#### Naturally Occurring Asbestos

Naturally occurring asbestos (NOA) has been identified by the state Air Resources Board as a toxic air contaminant. Serpentine and ultramafic rocks are very common throughout California and may contain naturally occurring asbestos. The SLO County APCD has identified areas throughout the County where NOA may be present (see the APCD's 2012 CEQA Handbook, Technical Appendix 4.4). If the project site is located in a candidate area for Naturally Occurring Asbestos (NOA), the following requirements apply. Under the ARB Air Toxics Control Measure (ATCM) for Construction, Grading, Quarrying, and Surface Mining Operations (93105), **prior to any construction activities at the site, the project proponent shall ensure that a geologic evaluation is conducted to determine if the area disturbed is exempt from the regulation. An exemption request must be filed with the APCD.** If the site is not exempt from the requirements of the regulation, the applicant must comply with all requirements outlined in the Asbestos ATCM. This may include development of an Asbestos Dust Mitigation Plan and an Asbestos Health and Safety Program for approval by the APCD. More information on NOA can be found at <http://www.slocleanair.org/business/asbestos.php>.

#### Developmental Burning

Effective February 25, 2000, **the APCD prohibited developmental burning of vegetative material within San Luis Obispo County.** If you have any questions regarding these requirements, contact the APCD Enforcement Division at 781-5912.

#### Demolition of Asbestos Containing Materials

Demolition activities can have potential negative air quality impacts, including issues surrounding proper handling, demolition, and disposal of asbestos containing material (ACM). Asbestos containing materials could be encountered during the demolition or remodeling of existing buildings or the disturbance, demolition, or relocation of above or below ground utility pipes/pipelines (e.g., transite pipes or insulation on pipes). **If this project will include any of these activities, then it may be subject to various regulatory jurisdictions, including the requirements stipulated in the National Emission Standard for Hazardous Air Pollutants (40CFR61, Subpart M - asbestos**



Monarch Dunes Phase 2A  
May 13, 2015  
Page 7 of 7

**NESHAP).** These requirements include, but are not limited to: 1) written notification, within at least 10 business days of activities commencing, to the APCD, 2) asbestos survey conducted by a Certified Asbestos Consultant, and, 3) applicable removal and disposal requirements of identified ACM. Please contact the APCD Enforcement Division at (805) 781-5912 for further information.

**OPERATIONAL PHASE IMPACTS - Exceeds Threshold**

Based on the operational phase emission estimates using Table 1-1 in the APCD's 2012 CEQA Handbook, the operational phase would likely be greater than the APCD's significance threshold values identified in Table 3-2 of the CEQA Air Quality Handbook. **APCD recommends the implementation of on-site mitigation measures to the greatest extent possible. Potential APCD operational phase mitigation measures are listed in Chapter 3 of the APCD CEQA Handbook.**

**Residential Wood Combustion**

Under APCD Rule 504, **only APCD approved wood burning devices can be installed in new dwelling units.** These devices include:

- All EPA-Certified Phase II wood burning devices;
- Catalytic wood burning devices which emit less than or equal to 4.1 grams per hour of particulate matter which are not EPA-Certified but have been verified by a nationally-recognized testing lab;
- Non-catalytic wood burning devices which emit less than or equal to 7.5 grams per hour of particulate matter which are not EPA-Certified but have been verified by a nationally-recognized testing lab;
- Pellet-fueled woodheaters; and
- Dedicated gas-fired fireplaces.

**If you have any questions about approved wood burning devices, please contact the APCD Enforcement Division at 781-5912.**

Again, thank you for the opportunity to comment on this proposal. If you have any questions or comments, feel free to contact me at 781-5912.

Sincerely,



Gary Arcemont  
Air Quality Specialist

GJA/arr

cc: Tim Fuhs, Enforcement Division, APCD

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**Ian Parkinson**  
**Sheriff - Coroner**  
1585 Kansas Avenue  
San Luis Obispo, CA 93405

**DATE:** June 17th, 2015

**TO:** James Caruso  
South County Team / Development Review  
Department of Planning and Building  
San Luis Obispo County

**Cc:** Donna Hawkins, Marti Fisher

**RE:** Significant Concerns for Project Referral

**FROM:** Chief Deputy, Rob Reid

**PROJECT DESCRIPTION:** DRC2014-00130 MONARCH DUNES- Proposed CUP for development of Trilogy at Monarch Dunes Phase 11A, 242 single family residences with roads and open space per TR2341. Site location -1640 Trilogy Parkway, Nipomo.

**PATROL REGION:** SOUTH

The San Luis Obispo County Sheriff's Office provides police and patrol services in the unincorporated areas of the County. The County is divided into three areas; North, Coast, and South. The Sheriff's Office is headquartered from the County Operational Center near Camp San Luis Obispo. Each area has its own patrol station, which is supervised by a Commander. According to the Sheriff's Office, the ratio of deputies to population has not kept pace with population growth for many years. The current ratio is one deputy for every 967 people; an adequate level of service is approximately one deputy for every 750 people.

Law enforcement needs for the unincorporated area of San Luis Obispo County are served by the Sheriff's Office. San Luis Obispo County encompasses 3615 Sq. miles of which sixty-six miles are incorporated (City) and served by police departments.

The South Patrol Station is located at 1681 Front Street, Oceano. The South Station serves the communities of Oceano, Nipomo, Huasna, rural Arroyo Grande, New Cuyama, and Lopez Lake. South Station deputies work in a demanding environment and handle a high volume of calls.

The California Highway Patrol (CHP) is primarily responsible for traffic-related calls along highways and streets in the unincorporated areas of the County. Unlike the Sheriff's Office, they will not investigate, take action, or respond to crimes in progress in residential, commercial, or industrial areas. They may respond upon request as back-up to the Sheriff's Office response, if available; however, the CHP does not normally provide police protection services. Their primary role is traffic enforcement.

Because the project site is located in a rural area, delayed arrival times for law enforcement are likely. These areas are quite vulnerable to property theft or vandalism, which in turn results in added calls for service for law enforcement. To alleviate some of these issues it is recommended that during the construction process, on site security and other adequate security measures should be considered. Sufficient lighting from dusk to dawn is paramount. Frequent inventory of equipment and a record of serial numbers for that equipment are essential. Surveillance equipment is another suggestion to consider for deterring criminal activity at the project site. By implementing these security measures, it may help to decrease the calls for service, however, typically calls for service do increase in these situations, which is of course is a significant concern for the Sheriff's Office.

After completion of the 242 residential homes, there is a high probability that the additional population will also add to the impact on the Sheriff's Office, as it would with any increase in population in a given area.

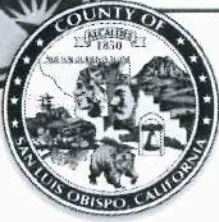
As this is a continuation of an even larger project, it is likely the trend for an increase in calls for service will continue. Add to that, the general public has unfettered access to Monarch Dunes at all times; it is highly unlikely that policing demand will decrease. It is for these reasons, that in the original plans for Monarch Dunes, there was a Sheriff's Station situated within the development, which has not been provided and no longer appears in the current plans.





**CAL FIRE**  
**San Luis Obispo**  
**County Fire Department**

635 N. Santa Rosa • San Luis Obispo, CA 93405  
Phone: 805-543-4244 • Fax: 805-543-4248  
[www.calfireslo.org](http://www.calfireslo.org)



*Robert Lewin, Fire Chief*

May 7, 2015

Monarch Dunes LLC  
1640 Trilogy Parkway, Nipomo, Ca.

Subject: Monarch Dunes Phase 2A, At 1640 Trilogy Parkway (DRC2014-00130)

After reviewing the Fire Protection Engineering report from Collings& Associates, Dated March 18, 2015, The water storage of 1,020,000 and hydrant installation, location meets plan requirements for the 2A phase in accordance with standards referenced within the California Public Resources Code and the California Fire Code.

A civil engineer report is still required stating the model green code road surface near the model homes will be able to support fire apparatus. All roads in the development shall be unimpeded at all times.

A written Wildland Fire/Vegetation Management Plan must be developed and approved by CAL FIRE prior to development.

Pedestrian hiking paths and gates must provide strategically located emergency vehicle access. (Removable bollards and Knox switches to restrict routine vehicle traffic is acceptable) Additionally, hiking paths must post mile markers; post the names of trail intersections, parking areas, picnic and rest areas, to ensure timely location and access of requests for emergency assistance.

If I may be of additional assistance, please do not hesitate to contact me at (805)543-4244, ext 3429.

Thank you,

Tony Gomes  
Fire Captain /Inspector

Cc: James Caruso/ South County Team Development review



**Re: Fwd: County Planning Commission hearing**  
**Craig Merrill, MD** to: Jay Johnson  
Please respond to PacEyeMD

12/08/2015 03:24 PM

Thanks Jay.

How do we know they reduced pumping? How can this be true when more and more houses are coming on line?

How is this monitored?

Thanks again

Craig

On Tue, Dec 8, 2015 at 3:09 PM, <[jgjohnson@co.slo.ca.us](mailto:jgjohnson@co.slo.ca.us)> wrote:

Dr. Merrill,

Yes, tree removal in the Eucalyptus Road area was approved under a previous permit. They should also be installing erosion control measures. The Specific Plan allows the tree removal to be done in advance with Minor Use Permit approval.

The supplemental water agreement allows for the wet water to be delivered directly to Woodlands or NCSD can reduce pumping near Woodlands. At this time they (NCSD) are reducing pumping. I do not know when Woodlands will start taking take direct delivery.

Jay

From: "Craig Merrill, MD" <[paceyemd@gmail.com](mailto:paceyemd@gmail.com)>  
To: Jay Johnson <[jgjohnson@co.slo.ca.us](mailto:jgjohnson@co.slo.ca.us)>  
Date: 12/08/2015 02:55 PM  
Subject: Re: Fwd: County Planning Commission hearing

Jay

thank you for your answers.

Regarding the Eucalyptus extension, it is already underway and that is why I was inquiring. They are clearing the trees through that road extension, but I thought they had to wait for phase 2A approval?

As for the water, at the South County Advisory Council meeting, they indicated that they had a "wet" connection established for the supplemental water but that they did not plan to turn it on until the new houses were coming on line. Hence my question, but if you or they assure us that they have turned it on and are pumping the maximum allowed this year, then that

is terrific. So you know that to be the case?

Thanks again, Jay. I am sorry to ask so many questions when you are so busy and I appreciate your answers.

Craig

On Tue, Dec 8, 2015 at 2:11 PM, <[jgjohnson@co.slo.ca.us](mailto:jgjohnson@co.slo.ca.us)> wrote:  
Dear Dr. Merrill,

The item is on the agenda with Staff's recommendation being a continuance.

The item cannot be heard on Thursday because there is no staff report.

The

only question will be if they agree with January 28 as the continuance date

or choose another date.

As part of Phase 2A, they will be required to extend Eucalyptus Road from

Via Concha within the village to the existing county maintained road east of their property.

Regarding the supplemental water; NCSD is currently receiving it and they are thereby reducing their pumping (from one of their wells near Woodlands)

by the same amount, which includes Woodlands Mutual's portion.

Sincerely,

Jay Johnson

From: "Craig Merrill, MD" <[paceyemd@gmail.com](mailto:paceyemd@gmail.com)>

To: Jay Johnson <[jgjohnson@co.slo.ca.us](mailto:jgjohnson@co.slo.ca.us)>

Date: 12/08/2015 12:31 PM

Subject: Re: Fwd: County Planning Commission hearing

Dear Jay:

Thank you for your follow up and for your comments on my letter to the Shea

Homes/Trilogy team.

When you say that a continuance of the hearing for Trilogy Monarch Dunes



has been made until January, does that mean that it will not be on the agenda this Thursday?

Also, I was wondering where they stand with construction of the Eucalyptus Road extension? Was this approved and when?

Regarding the supplemental water, yes, it is complete, but what we feel is entirely responsible is requiring them to turn it on now, and not wait until homes come on line, thereby reducing now their overpumping near our homes.

Let me know and thank you again for your assistance.

Craig Merrill

On Tue, Dec 8, 2015 at 12:07 PM, <[jgjohnson@co.slo.ca.us](mailto:jgjohnson@co.slo.ca.us)> wrote:  
Dear Dr. Merrill,

Thank you for providing me a copy of your email to the Monarch Dunes team.

I have provided some comments below in red based on the County Planning Department's role and our ability to condition projects. As you will see there are often other authorities involved that affect or limit what we can do, whether that is a County Code, APCD, or the Courts.

Please do not to hesitate to contact me if you have more questions.

Also due to the water supply matter, I unfortunately had to request a continuance on the Planning Commission hearing. I am requesting the item be heard January 28. I absolutely hate to continue items and apologize for the inconvenience. If you wish to submit any written comments to the Planning Commission you may forward those to me or Ramona Hedges, the Planning Commission Secretary.

Sincerely,

Jay Johnson

From: "Craig Merrill, MD" <[paceyemd@gmail.com](mailto:paceyemd@gmail.com)>

To: Jay Johnson <[jgjohnson@co.slo.ca.us](mailto:jgjohnson@co.slo.ca.us)>  
Date: 12/04/2015 03:08 PM  
Subject: Fwd: County Planning Commission hearing

Dear Jay:

I wanted to thank you for attending the South County Advisory Council meeting a little over a month ago and for your continued efforts to help keep the developmental process of the Trilogy area fair and as approved.

I sent the following note (see below) to Dan Garson, Andrew Daymude and Jamie Kirk of Shea homes and associated consultants. I would ask you to read it as it is essentially our comments from the adjoining neighbors.

I believe these 3 points are very fair to make and would ask for your input to us on this request, especially after we have had significant issues with the tree clearing that was certainly not free from collateral neighborhood damage, and with their continued use of our private road, Viva Way, with their large trucks in getting to and from Eucalyptus for their new Eucalyptus road clearing.

Could you also tell me where they stand, from the county, as far as permission to put in the Eucalyptus road extension?

Thank you again, Jay

Craig Merrill  
1295 Viva Way  
Nipomo, CA

Subject: County Planning Commission hearing  
To: Andrew Daymude <[Andrew.Daymude@sheahomes.com](mailto:Andrew.Daymude@sheahomes.com)>, Dan Garson <[dgarson94041@yahoo.com](mailto:dgarson94041@yahoo.com)>, Jamie Kirk <[jamie@kirk-consulting.net](mailto:jamie@kirk-consulting.net)>

Dear Andrew, Dan and Jamie:

On behalf of the your neighbors along Viva Way and Banneker Place upon whom your development will have the most effects, I would appreciate your response to the following concerns prior to the County Planning Commission hearing next week where we will be present.

As I mentioned in previous letters to you but without any response from you, most of us support the project you have currently proposed with the new golf course but only on the following, very reasonable conditions, most of which you are planning to do anyways, but we will propose to the commission that these conditions be met immediately rather than much later in the project as you intend to proceed currently. We propose to you that you consider making this clear to the commission in your proposal.

1. Pave Viva Way NOW. We have been documenting your trucks and workers with security cameras and notes, going over Viva Way to the Eucalyptus Road extension you are building, and you have been causing significant damage to the road and generating large amounts of dust and unhealthy air. In your own proposal document, you also anticipate significant construction dust and have indicated that one mitigation is to pave the local adjacent roads. We feel it is more than fair to require that you pave Viva at the very outset of approval of the project and not later when you file for lot subdivisions/permits. If you want to develop bad faith with your neighbors when you could otherwise earn good marks for doing something you are already required to do, then disregard this. But this needs to be addressed immediately.

Here is the condition of approval for Viva Way:

Prior to recordation of the first final map in Phase 2A - Viva Way: constructed to a 2/3 A-1 (rural) section (minimum paved width to be 18 feet) from Mesa Road to Eucalyptus Road within a 50 foot dedicated right-of-way fronting the property and 40 foot right-of-way from the property boundary to Eucalyptus Road.

Under County Code (Section 21.05.040), the applicant has the option to



construct all improvements prior to the recording of the final map or to bond for their construction at a later date. Although staff cannot require the road to be built sooner, the applicant could elect to construct Viva as you suggest.

2. Turn on the supplemental water NOW. The biggest concern of all the surrounding neighbors is water. We are all on wells and pump the same water you are currently pumping, but don't have the resources, unlike the Woodlands water company, to drill deeper. We would ask you to show good faith, even if the water bills of your customers go up, that you desire to mitigate what is already overpumping for all the homes you have built around the Challenge Course during the drought. This will reduce your pumping from the wells now, rather than waiting until you bring new houses on-line in the future project, and go a long way towards helping the Nipomo community feel you are serious about your neighbors water and overpumping.

The supplemental water project is constructed and Phase 2A development is reliant on the supplemental water. The delivery of the supplemental water to the Nipomo Mesa Management Area via NCSD is stipulated by the Court.

3. Set up a monitor web site and number to call for neighbors affected by the dust and contaminants you are about to generate. Even though your proposal is offering to have an independent monitor, we feel strongly, after your poor performance with tree clearing and the resultant inundation of adjacent properties with dust/leaves and debris that you claimed were not happening but which we had to see on our houses/driveways/cars and breath in our air daily, that you need to do a better job with the collateral damage resulting from your construction. Making every effort to keep us informed and further limit your construction contamination into the air will help keep your project moving forward and limit our cease and

desist appeals to the county.

For Phase 2A the monitoring looks like this: During tract construction (grading roads, utilities etc. but not individual house construction) there will be a County approved environmental monitor in place. The applicant will have to designate a person to meet their requirements for APCD rule number 402 for visible emissions and rule number 401 for air opacity. This will be under APCD authority. As with any project, our office will respond to complaints or concerns with construction projects.

I hope you can see that we want to be supportive, now that you have decided to go with the golf course and increase your water recycling plant, and these requests are not in any way unreasonable. I hope you will respond to me right away and well before the meeting next week. We have decided to appeal to the Board of Supervisors if these minimal requests are not addressed. We are not against your development but will be if you wont help do this responsibly with concern for your neighbors who bear the brunt of your developmental sequelae.

Respectfully yours,

Craig Merrill

1295 Viva Way

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Craig Merrill, MD  
Pacific Eye Surgeons  
[PacEyeMD@gmail.com](mailto:PacEyeMD@gmail.com)

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**Trilogi**

**Cathy Wittrock** to: jgjohnson

12/21/2015 08:57 AM

Happy holidays Jay: We met you several years ago while we were designing our home with Steve Puglisi in Trilogi. We have really enjoyed the community thus far but wanted to drop you a note voicing our support for additional trails and maybe even a dog park within our neighborhood. Although the Central Coast is absolutely beautiful and a great place to live there are very few paved trails and also very few places for our dog to run off leash. We appreciate your continued work to make this area a great place for all of us.

Thank you and merry Christmas,  
Cathy and Bob Wittrock  
1787 Tomas Court  
Nipomo, CA 93444

**Catherine Wittrock**

President

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**Re: Regarding Eucalyptus Road and the development of new homes in Monarch Dunes-Trilogy**

**Jay G Johnson** to: Sheri Smith

12/29/2015 09:15 AM

Hi Sheri,

Regarding Eucalyptus Road, the developer will need to complete Eucalyptus to County Standards from the project site to the existing County maintained portion of Eucalyptus Road. So it will become a through street into the village where it will connect to Via Concha. Certainly additional traffic will use Eucalyptus Road after it is opened up. We still anticipate that more traffic from Woodlands will use Mesa Road because it is more direct to Nipomo. There will also be trips from people using Eucalyptus Road to get out to Highway One through the village. Construction traffic should not be using Eucalyptus Road, deliveries etc should be using Highway One. Please do not hesitate to call us if you see construction traffic on Eucalyptus. Eucalyptus Road will still meet our "rural road" standards, which would not include street lights or sidewalks. Please contact County Public Works, Development Services at 781-5252 to learn more about the road widths and improvements for Eucalyptus Road.

Viva Way between Mesa Road and Eucalyptus Road will be paved with this next phase.

Tract improvements (grading) should start in March, 2016 with home construction starting no sooner than the end of 2016 and taking several years thereafter to complete (based on their past trends 242 homes could take three to four years).

If you have more questions, please do not hesitate to contact me.

Sincerely,

Jay Johnson  
805-781-4573

Sheri Smith	Dr. Mr. Johnson, My family and I live on Michi...	12/15/2015 01:52:56 PM
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From: Sheri Smith <gofindsheri@mindspring.com>  
To: jgjohnson@co.slo.ca.us  
Date: 12/15/2015 01:52 PM  
Subject: Regarding Eucalyptus Road and the development of new homes in Monarch Dunes -Trilogy

Dr. Mr. Johnson,

My family and I live on Michigan Way at Eucalyptus Road which is one street away from the Monarch Dunes-Trilogy property being developed on Eucalyptus. We have several questions regarding the potential impact on us due to the development of homes and golf course off of Eucalyptus Road.

We are concerned that this large development will be a negative impact on Eucalyptus Road which is the only road in and out of our home. We would like to know how it will be upgraded and maintained to accommodate the large increase in the number of vehicles using it during construction and once the homes and golf course are built.

1. At present Eucalyptus Road is a dead end. Once the Monarch Dunes-Trilogy land is fully cleared, is the plan to make Eucalyptus a through Street?
2. If so, is it safe to assume that once the 242 homes are built and sold that Eucalyptus will see a large increase of traffic from those homes? Which could potentially be 242 plus more cars using Eucalyptus Road daily.
3. And also; what is the impact on Eucalyptus for construction

## Attachment 5

vehicles used to build those homes?

4. Considering this will become a through road, and the potential increase of vehicles using this road daily; what are the plans to improve the road with street lights? Currently it is not a lit road at night and is is VERY dark. We are concerned about an increase of accidents due to hundreds of more vehicles using this road daily and nightly.

5. Considering this will become a through road; there is currently no sidewalk or bike lane. Many residents walk and bike this road because there is little traffic. Due to a huge increase in traffic will there be an improvement to make it safe for pedestrians or bike riders?

6. Is there any plan to pave Viva Way to connect Eucalyptus and Mesa Roads?

7. What are the proposed/expected dates for the start and finish of construction of the homes and golf course?

Thank you for taking the time to read our concerns. We await your response.

Sincerely, Sheri Smith, Tom Smith, Joan and Hal Kaysen



**To:** Jay G Johnson/Planning/COSLO@Wings,  
**Cc:**  
**Bcc:**  
**Subject:** Fw: The Woodlands  
**From:** Ramona Hedges/Planning/COSLO - Monday 12/28/2015 01:39 PM

----- Forwarded by Ramona Hedges/Planning/COSLO on 12/28/2015 01:36 PM -----

**From:** kacardiel@aol.com  
**To:** rhedges@co.slo.ca.us  
**Cc:** jgjohnson@co.slo.ca.us, knall@co.slo.ca.us  
**Date:** 12/28/2015 12:51 PM  
**Subject:** The Woodlands

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Ramona

I am a resident of Nipomo and I own property that is adjacent to The Woodlands Project. According to the specific plan 2.5.4 Open Space A Buffer Areas and 100' perimeter buffer between the existing adjacent properties and the Woodland Project, the condition has been violated by the developer who apparently made a unilateral decision to remove this natural zone. Pic#1 is what see as I look out my back window. The subsequent pics are the buffer zones that were given to the adjacent properties along Banneker and Viva. I also have pics of the zone left all along Camino Caballo, Dawn, Hwy One as stated in specific plan. On behalf of myself and my neighbors Scotty Kisse, Jim Kisse, Henry Guerrero we would like to make a formal complaint that this condition was violated and that we would like restoration of the 100' natural buffer immediately and that the remaining Eucalyptus trees remain as they are. I plan on attending the meeting on January 28 along with my neighbors and I will bring additional pics at that time. We would like answers as to how this could happen. My husband spoke personally with the tree company regarding the 100' buffer and they were aware of this condition. What they told us is that the project manager said take the trees down anyway. The neighborhood is extremely upset as the trees were taken down in one day while no one was around.

Kindly forward this email to all of the planning commission as I want to ensure that there has been a violation of this condition no matter if the county owns Almadore way or not.

Respectfully  
Kathleen Cardiel  
1370 Cardo Way  
Nipomo, Ca. 93444  
805. 260. 4362



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